

REMARKS

The Examiner has rejected claims 1-9 under 35 U.S.C. §112 asserting that the use of the phrase "such as" in claim 1 renders the claim indefinite. Applicant has amended claim 1 to address the Examiner's concern as well as to add specific antecedents to the claim elements included in claim 1. Withdrawal of the rejection is respectfully requested. The deletion of "on the ridge," and adding "of each segment," clarifies the claim because there was no previous antecedent for "the ridge" and the amended claim clearly specifies where the cleft is located.

Applicant has also amended claims 3-7 and 9 to remove the reference numbers and make the objects being graded ("items of seafood") consistent throughout the claims.

The Examiner has rejected claims 1-9 under 35 U.S.C. §103 asserting that the claimed subject matter is obvious in view of U.S. Patent 4,723,660 to Sjöberg in view of U.S. Patent 6,321,914 to Magnusson et al. The Examiner's rejection is respectfully traversed, the cited combination of references does not disclose the claimed invention.

The Examiner states that the Sjöberg patent discloses a plurality of hinged segments forming said substantially continuous sloping sides, each of said hinged segments has an open cleft on the ridge between the sloping sides. The Examiner has confused the "sorting channel" between the adjacent conveyor belts for the "cleft."

Figures 12-14 and the description of the drawings in the Sjöberg patent disclose how each segment is composed of two different parts, namely the upper guide rail (30)

and the chain elements (11). The relationship between the upper guide rail and the chain elements is as follows, according to the Sjöberg patent:

Each chain element comprises a bridge portion consisting of two sides which are hingedly interconnected along their common upper edge and form a V when seen in cross section and are each rigidly connected to an individual base member at the edge which opposes the common edge.
(Col. 3, line 62 – Col. 4, line 2).

The Sjöberg patent goes on to state:

Each of the base members has a groove having a substantially T-shaped cross section which as to shape and dimensions corresponds to the T-arms of the rails, with which grooves they are intended to cooperate.
(Col. 4, lines 10-14).

As can be seen from Figs. 12-16, the chain elements are constructed to have two sloping sides joined at the top of the ridge and having a gap at the bottom (Figs. 13, 14 and 16) where it is connected to the upper rail guide (Figs. 12 and 15). Fig. 17 shows how the gap is closed when the hinged segment is fully constructed. Therefore, when the belt of hinged segments is assembled for operation, there is no open cleft, either at the top or at the bottom of each segment.

The combination with the disclosure of the Magnusson et al. patent does not overcome this shortcoming in the disclosure of the Sjöberg patent. The elements that comprise the belt of Magnusson et al. are closed triangular members (3) (Figs. 6 and 6):

The ridged belts are composed of numerous units with a triangular cross-section and connected into a continuous band which is pulled over the rail guides.
(Col. 2, lines 31-33).

By contrast, each hinged segment of the present invention has an open cleft (3) on the ridge, separating the two sloping sides of each segment when the hinged segment (1) is mounted on the rails and is operational (Figs. 1 and 2(b)). The advantage of the open cleft of the hinged segment of the present invention is to make rinsing of the belt more simple and accessible, as well as allowing decreased height of the side wall. Another advantage of providing an open cleft at the top of the ridge of each segment is that the segment will be more flexible as compared to the rigid closed structure of the prior art belts, which reduces stress in the segments during bending providing a longer commercial life for the belt segments.

No such feature is found in the combination of prior art advanced by the Examiner to reject claims 1-9.

Amended claim 1 reads:

. . . wherein each belt comprises a plurality of hinged segments forming said substantially continuous sloping sides, each of said hinged segments has an open cleft ~~on~~ the ridge between the sloping sides of each segment.

The addition of "of each segment" in amended claim 1 makes it clear that the "cleft" is between the sloping sides of each segment and not between adjacent segments of adjacent belts.

The Examiner has also asserted that the angles of the sidewalls of the segments (and hence the sidewall of the sorting channels) are disclosed in the Magnusson et al. patent. The angles noted by the Examiner are, however, not the angles of the segment

sidewalls or the sorting channels, but the inclination of the belt along its length. The

Examiner supported the rejection by asserting:

Magnusson teaches an obvious adjustability of the sloping angle 5-7° (col. 3, lines 22-35, the sloping angle of 5-7° would encompass the range of 85-83°).
(Office Action at P. 3).

The Magnusson patent does not disclose the angles of the sloping sides of the belt segments or the sorting channels, but the angle of inclination of the belt along "the direction of movement" of the belt.

Moreover the inclination of the ridged belts is approximately - 3° to 25 in the direction of movement. At last the slant of the ridged belts is approximately 4-8°, more specifically 5-7° in the direction of movement.
(Col. 3, lines 33-35. emphasis added).

Having demonstrated that the claim of the present application (before and after amendment) includes a feature not disclosed in the combination of the prior art advanced by the Examiner, the rejection of claim 1 should be withdrawn. Because claims 2-9 are dependent thereon, the rejection of those claims is not supported by the prior art combination advanced by the Examiner, and the rejection of those claims should be withdrawn.

The Examiner's rejection of claim 2 is not supported by the cited combination of prior art for the same reasons set out with respect to claim 1.

The Examiner's rejection of claim 6 is not supported by the cited prior art because the Examiner is incorrectly equating the dimensions of the cleft in each

segment for the dimensions of the sorting channel between adjacent belts. Moreover, claim 6 is dependent on 1 which is allowable for the reasons stated above.

The Examiner's rejections of claims 7, 8, and 9 are not supported by the cited combination of prior art for the same reasons set out with respect to claim 1, on which these claims depend.

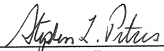
Applicant respectfully requests consideration of the amended claims, withdrawal of the rejections, and allowance of the application.

If there is any fee due in connection with the filing of this Amendment, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

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